**CSC**

CONNECTICUT SITING COUNCIL

### TESTIMONY OF S. DEREK PHELPS
### EXECUTIVE DIRECTOR
### CONNECTICUT SITING COUNCIL

### SUBMITTED TO THE ENERGY AND TECHNOLOGY COMMITTEE,
### IN REFERENCE TO
### RAISED H.B. 5504,
### AAC THE SITING OF CELL PHONE TOWERS NEAR SCHOOLS

## FEBRUARY 18, 2010

Good morning Senator Fonfara, Representative Nardello, ranking members, and distinguished members of the Energy and Technology Committee. My name is Derek Phelps; I am Executive Director of the Connecticut Siting Council.

Thank you for this opportunity to provide this testimony in connection with Raised H.B. 5504, AAC the Siting of Cell Phone Towers Near Schools.

Raised H.B. 5504, AAC the Siting of Cell Phone Towers Near Schools seeks to prevent cellphone towers from being installed near schools.

Although not clearly stated, it is apparent that this proposal is rooted in concerns about the human health effects of radio-frequency emissions. To the extent that that is so, this proposal runs contrary to the tenants of the federal 1996 Telecommunications Act which makes clear that local regulations may not regulate the placement, construction or modification of personal wireless service facilities on the basis of the "environmental effects of radio frequency emissions" as long as the facilities meet standards set by the Federal Communications Commission (FCC).

Plainly stated, we are preempted from establishing standards that are more stringent than those of the FCC. And enacting laws that have the effect of establishing higher standards – as this proposal does – is equally incompatible with the Act.

This is not to say that agencies such as ours do not have a proper role in ensuring compliance with the existing FCC standards with respect to maximum permissible emissions (MPE); indeed, we do. Among the many criteria that the Siting Council studies and evaluates is the degree to which an applicant's proposed project complies with the FCC's MPE. And as a general matter, most projects involve MPE levels that are only a small fraction of the MPE

I would be pleased to take your questions.